

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**YOLANDA ROBINSON,**

**Plaintiff,**

**v.**

**THE CREEK APARTMENTS et al.,**

**Defendants.**

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**Civil Action No. 4:14-cv-1048-O**

**ORDER**

Before the Court is Plaintiff's Motion to Proceed Forward on Issuing the Summons (ECF No. 10), filed April 6, 2015. The Court finds the motion should be and is hereby **GRANTED**.<sup>1</sup>

The Court has reviewed Plaintiff's complaint and concludes that, pursuant to 28 U.S.C. § 1915(d) and Federal Rule of Civil Procedure 4(c)(3), Plaintiff is entitled to have the summons and complaint served upon the Defendants by a United States marshal or deputy United States marshal. In order to serve the complaint, Plaintiff **must fill out and return** to the Clerk of Court one Form 285 and two summons forms for each Defendant to be served.<sup>2</sup> The Court will direct the Clerk of Court to provide the Forms 285 and the summons forms to Plaintiff. Upon their return, the Clerk will then forward the completed summonses forms and the completed Forms 285 to the marshal for service.

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<sup>1</sup> This order additionally **moots** "Plaintiff's Motion to Proceed Forward on Issuing the Summons," (ECF No. 9), filed February 24, 2014, which was incorrectly styled as Plaintiff's "First Motion for Leave to Proceed in forma pauperis" on the docket.

<sup>2</sup> The Court notes that Plaintiff must fill out and return to the clerk of Court one Form 285 and two summons forms for each person to be served in accordance with the Federal Rules of Civil Procedure.


Therefore, the Clerk of Court **shall mail** to Plaintiff six blank summonses and three Forms 285. Plaintiff is advised that it is her responsibility to complete the forms with correct information as to the name and appropriate addresses for service upon the Defendants.

Plaintiff shall, if she wishes to proceed with this action, complete the summonses forms and Forms 285 and return them to the Clerk **within 30 days of the date of this order**. Failure of Plaintiff to complete the forms and to timely return same to the Clerk will result in the dismissal of this action without further notice for lack of prosecution.<sup>3</sup>

Upon receipt of the completed forms, the Clerk of Court is **directed** to issues summonses, with copy of complaint attached, for Defendants and deliver them to the United States marshal for service.

Upon receipt of the appropriate forms completed by Plaintiff, the summonses, copy of the complaint, and Court order **shall be served** upon the Defendants by the United States marshal or deputy United States marshal.

**SO ORDERED** on this **8th day of April, 2015**.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

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<sup>3</sup> See Fed. R. Civ. P. 41(b); *see also Hickerson v. Christian*, 283 F. App'x 251, 253 (5th Cir. 2008) ("A district court may sua sponte dismiss an action for failure to prosecute under Rule 41(b)."); *see also Link v. Wabash R. Co.*, 370 U.S. 626, 630 (1962) (stating a court may dismiss for lack of prosecution under its inherent authority).